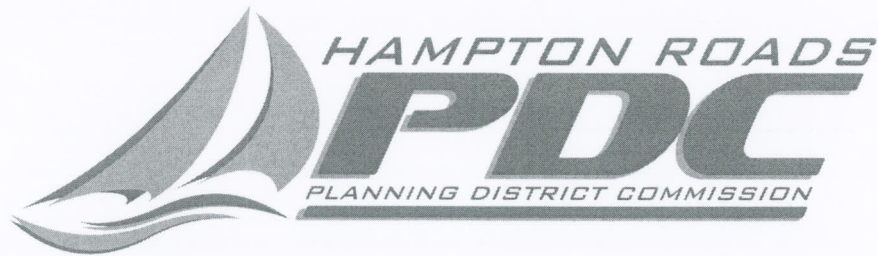


Agenda Note #14: Chesapeake Bay Total Maximum Daily Load (TMDL) - Supplemental Material

Hampton Roads Planning District Commission

September 15, 2011



AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

**ITEM #14: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) -
SUPPLEMENTAL MATERIAL**

Attached for your information is (1) copy of the response from the Virginia Department of Conservation and Recreation to the HRPDC letter of August 15, 2011 outlining key issues and requesting answers to a number of outstanding questions concerning modeling data and information. This material was inadvertently omitted from the Agenda Packet.

The responses were discussed with the Chesapeake Bay TMDL Steering Committee at its meeting on September 1, 2011. Ms. Katchmark will address these comments during her presentation.

Attachment: HRPDC letter to DCR, incorporating DCR Responses

MEMBER JURISDICTIONS

August 15, 2011

CHESAPEAKE

Ms. Joan Salvati, Division Director
Department of Conservation and Recreation
Division of Stormwater Management
Pocahontas Building
900 E. Main Street, 8th Floor
Richmond, VA 23219

FRANKLIN

GLOUCESTER

Dear Ms. Salvati:

HAMPTON

The HRPDC is aware that the State has concerns with the data from the 5.3.2 model, and that this has caused a delay in the development of the official 'tool' that local governments will be able to use to submit Phase II scenarios to Virginia. However, the Hampton Roads local governments and members of the Regional Phase II WIP Steering Committee have a multitude of issues and questions that need to be addressed in order for local governments to continue developing their Phase II WIP strategies. The answers to most of the questions are not dependent on the model output. Localities are having trouble assessing and correcting the baseline data and estimating the nutrient reductions of proposed actions because the State has not provided information that is critical to make those calculations. Localities are also concerned about how the locality target loads were developed and whether or not they are equitable.

ISLE OF WIGHT

JAMES CITY

NEWPORT NEWS

NORFOLK

We request a response to the questions and issues, outlined below, prior to our next Steering Committee meeting on September 1, 2011. We also request that you attend the meeting in order to provide the Steering Committee with an update on Virginia's progress towards Phase II WIP development and to address any concerns of the Committee members.

POQUOSON

PORTSMOUTH

SOUTHAMPTON

Critical Information for Developing Phase II Strategies

- 1) What are the loading rates for the different land cover classes? Do these rates vary by physiographic region (coastal plain versus piedmont)? These loading rates are important for localities to have, so they can calculate a reduction from the baseline load for the area treated by a particular BMP.

SUFFOLK

The loading rates (pounds/acre) can be calculated by dividing the loads (pounds) by the land use (acres). These figures vary by land-river segment, the finest segmentation in the model, so there will be variability based on physiographic region, segmentshed and county.

SURRY

VIRGINIA BEACH

WILLIAMSBURG

- 2) Localities need urban loads broken down into pervious versus impervious, so that they can better estimate load reductions from BMPs applied to specific land cover classes.

YORK

In the revised data set for Phase 5.3.2. the urban loads and BMPs will allow differentiation between regulated and unregulated, pervious and impervious data.

- 3) Is the State working with EPA to reconcile the differences between Virginia's BMP efficiencies and the Bay Model efficiencies? When will this issue be resolved?

The State is working through the Bay Program's Urban Workgroup and Water Quality Goal Implementation Team to resolve the differences. The timeline for completing this important task is not yet clear.

Concerns about Target Loads

- 1) Localities are concerned that the use of '2009 Progress' model run as the baseline for determining urban stormwater load reductions for all localities creates inequity for localities within the Chesapeake Bay Program Act areas that have been implementing stormwater requirements since 2000. Additionally, the information contained in the '2009 progress' scenario is incomplete. HRPDC suggests that DCR use the '2010 no action' model run to determine the necessary percent load reductions for urban stormwater.

EPA has dictated using the 2009 Progress model run as the baseline when accounting for new reductions toward meeting the TMDL. We recognize the BMP data in this scenario is imperfect and have asked localities to provide an improved accounting of the BMPs currently on the ground as part of the Phase II Process. The BMP implementation targets used in developing the Phase I WIP and the TMDL were based on consistent statewide treatment of the various landuses with BMPs. There was no distinction made for Bay Act areas in that process. Bay Act localities should actually be advantaged in this process because they have a much longer record of BMP implementation that can be accounted for through the Phase II process, thereby moving them closer to the TMDL implementation levels.

- 2) How are the nutrient reduction goals of each locality influenced by the model effectiveness factors for each segmentshed?

The local targets and reduction goals have been provided as edge of stream loads, so the delivery factors that the model uses to adjust loads for in-stream processes through delivery to tidal waters do not influence them.

- 3) If the State developed the Phase I WIP load goals using a standard treatment percentage for each BMP for each locality, why are the nutrient and sediment load reductions for localities so disparate?